

REMARKS

I. Introduction

Claims 5 to 10 are pending in the present application. It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

II. Statement of the Substance of the Interview

Applicant thanks the Examiner for the courtesies extended during the telephone interview of January 29, 2009 between Examiner Gregory and Applicant's representative, Aaron Grunberger (Reg. No. 59,210).

The following is a Statement of Substance of Interview of the telephone interviews of January 29, 2009.

During the course of the telephone interview, the amendments to the claims presented in the Amendment filed December 8, 2009, and presented again herein were discussed. The Examiner requested that a Supplemental Amendment be filed which includes arguments as to why the amendments to the claims do not raise new issues and should be entered at this time. The Examiner graciously indicated that he would consider such arguments.

The general result or outcome of the telephone interview is that agreement was reached that the amendments to the claims would be entered if the Examiner determines that the amendments to the claims do not raise new issues, after consideration of the arguments presented herein.

III. Rejection of claims 5 to 10 Under 35 U.S.C. § 112, ¶ 2

Claims 5 to 10 were rejected under 35 U.S.C. § 112, ¶ 2, as assertedly indefinite. While Applicant does not necessarily agree with the merits of this rejection, claims 5 to 10 have been amended herein without prejudice, thereby obviating the present rejection.

In this regard, the claims have been amended to clarify that the term "range" in the claims refers to a range of coverage area. Further, absolute terms of "short" and "long" have been removed. Instead, only the corresponding relative terms of "shorter" and "longer" remain. The recitation in the claims of a first antenna and a second antenna, where the first antenna has a broader and/or shorter range of coverage area than that of the second antenna

clearly demarcates the metes and bounds of the scope of that which is claimed, since the claims clearly require two antennae and further require that, regardless of the value of the range of coverage area of the first antenna and regardless of the unit of measurement used for measuring the value of the range of coverage area, the second antenna's range must be narrower and longer than whatever the range of the first antenna is. For example, if the range of the first antenna is measured at 10 feet in length and 15 feet in width, then the second antenna would have to have a range that is less than 15 feet in width and longer than 10 feet in length.

Accordingly, the claims are clear, give rise to no ambiguity, and are therefore definite. Withdrawal of the indefiniteness rejection of claims 5 to 10 is therefore respectfully requested.

IV. Entry of the Amendments to the Claims

The amendments to the claims should be entered since they do not raise new issues and only clarify the subject matter by explicitly stating that which was already either implicit in the claims or explicit in other parts of the claims. In this regard, during the interview of January 29, 2009, Examiner Gregory indicated that the term "range," in the claims as previously presented may have been interpreted as referring only to a linear range, whereas the amendment of the claims to explicitly refer to a range of coverage area indicates that the range has both a width and a length.

However, all of the claims, even as previously presented, referred to the range as having both a width and a length. For example, independent claim 5 recited "a second receiving antenna having a narrower and longer range than that of the first receiving antenna." Similarly, independent claims 7 and 8 recited "a second receiving antenna having a narrow long range . . . the range of the first receiving antenna being a broad short range." Thus, all of the claims as previously presented already indicated that the range had width and length characteristics, and contrasted both of those characteristics between the first and second antennae.

Moreover, the term "range" as used in the claims, even as previously presented, was used to refer to a characteristic of antennae of a radar system. One of ordinary skill in the art would understand that the term "range" when used to describe a characteristic of an antenna of a radar system, refers to a range of coverage area of the antenna.

Moreover, with respect to claim 5, its dependent claim 6 referred to the “scanning distance range,” further indicating that the range referred to a range of coverage area.

Moreover, claim 9, which depends from claim 7, and claim 10, which depends from claim 8, as previously presented, already referred to overlapping coverage areas.

For all of the foregoing reasons, the amendments to the claims to refer to a “range of coverage area,” merely makes explicit that which was already implicit in, and that which should already have been considered with respect to, the claims as previously presented. While Applicant appreciates the Examiner’s concern for clarity of the claims to require removal of all ambiguities and any doubt, the intended meaning of the claims as referring to a range of coverage area was already apparent from the claims as previously considered, so that the correct meaning of the term, which has merely been made explicit by the present claims, was already considered. Entry of the amendments to the claims is therefore respectfully requested.

V. Allowability of the Claims

Applicant thanks the Examiner for indicating that claims 5 to 10 would be allowable if rewritten to overcome the indefiniteness rejection under 35 U.S.C. § 112, ¶ 2. As noted above, the claims have been amended to overcome the indefiniteness rejection, so that claims 5 to 10 are in condition for immediate allowance.

Accordingly, all of pending claims 5 to 10 are allowable.

Applicant reserves the right to pursue the subject matter of the claims as previously presented in a continuation patent application. Further, any disclaimer that may have occurred during the prosecution of this application is expressly rescinded as regards any subsequently filed patent application.

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Supplemental Reply to Final Office Action of October 8, 2008

Conclusion

In view of the foregoing, it is respectfully submitted that all of pending claims 5 to 10 are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

/Aaron Grunberger/

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